

November 3, 2003

RE: RM-10811

Dear Commissioners,

Thank you for saving the worst petition for last.

Let's begin with the poll that they conducted in July of 2003. Conducting a poll of members of their CW club would only result in overwhelming support of their petition. Looking at the numbers of comments in the first few days of the comment period would indicate that they have very good communication among their members. The rest of us had to wait for the ARRL Newsletter or Amateur Radio Newsline to be informed of their petition.

Their position on CW is very similar to all the pro code petitions. No new ideas why CW is needed for testing. Only, comments on how functional CW can be. Something, Amateurs have know for 90 years.

The comment that CW is the second most popular mode is only true, if you exclude operation above 30 MHz. If you look at the complete Amateur Radio spectrum, it really becomes the third most popular mode. *"Most Amateur Radio contacts through orbiting satellites take place using Morse code."* This may have been true back in the 1970's, but not today. Voice and Packet modes through satellites are, by far, more popular.

Many of their reasons for retaining the code test requirement contradict their argument. The point that they want to attract new people and encourage upgrading is flawed. When you look what happened in the 1980's when the FCC give Novice/Technicians phone privileges on HF, more new people become Amateurs. When the NO CODE Technician was created, the Amateur census rose significantly. In 2000, the code speed was dropped to 5 wpm. More people upgraded to the General Class and Extra Class licenses. It is very easy to see what happens when the code requirement is lowered or removed. You must be able to see their position is not to encourage advancement or attract new licensees.

One of the main problems with change is someone always has to object. FISTS has not presented a good argument on why the current testing procedure needs fine tuning. They have the emotional position that they will lose operators, if the code testing requirement is dropped. Of course, when you are forced to learn something to achieve a goal, there is a good chance that you may like what you have learned. But, to set that personal accomplishment, as a requirement for others, isn't fair. Especially, when the numbers who continue to use the code is far less than those who will use it.

Is there really a need for a supply of operators who can send and receive Morse code? President Bush or Homeland Security Secretary Tom Ridge hasn't asked for any pool of "skilled" CW operators. Would the government really rely on Amateur Radio operators for national communications? Local governments may use Amateurs for "health and welfare communications", but that isn't emergency communications.

One of the funniest comments in the petition is how the Morse code operators can build a simple station, whereas the phone operators station is so complex. I wonder what the CW operators use for a receiver. My guess is a complicated radio just like the phone operators.

Kit building of radio equipment ended years ago. If you think that 10% of the current amateurs are using kits or even home-brew equipment, think again. Look in any major amateur equipment catalog and try to find any equipment worth building or using. The vast majority of new licensees use equipment that they bought from Amateur Radio equipment suppliers. Their argument of home-brewing and kit building would be true, if we were in the 1950's.

The petitioners seem to think, if you know CW that you can fix a radio. Unbelievable! Knowing code provides something essential to our country. Like what? In the event of the anticipated disaster, most of the "skilled" operators would be hard pressed to fix a broken radio.

Their concept that knowing CW has advanced the design of RF circuits. Sorry Charlie, the circuits that are used in CW transmitters are antiquated. The technical advancements in recent times have nothing to do with knowing CW. The advancements were to advance digital communications, in which CW is a basic mode. Commercial technicians, who install digital radio systems, are not required to learn CW to install their radio systems.

Now, let's examine their proposed changes. First, we start with a step backwards by resurrecting the CW requirement to 15 wpm for the Extra Class. Look at the change in the number of Extra Class before April 2000. How much did the Extra Class change for 10 years? Then, look what happened after April 2000, the number of Extras almost doubled. Increasing the code requirement for the Extra Class is just going to keep the numbers down. Their petition shows no interest in providing an incentive to upgrade to Extra.

The current General Class would see no change. Any advancement in this area will be mainly from Technicians who learn 5 wpm and pass the written test. Most of the significant increase in the percentage of new General Class licensees has happened.

The Technician Class will not see great change. Giving them digital on the current Novice/Technician HF sub-bands only prevents refarming of the

frequencies that were petitioned in RM-10413. Of course, FISTS idea will provide a good buffer to future phone frequency expansion.

The removal of same day retesting only adds more frustration to a new potential or current licensee. In many cases, testing schedules can be many weeks or months apart. If a real problem exists, then the VECs should introduced a rule making petition.

With the changes in WRC-03, governments have the ability to modify the licensing requirements for Morse code. On September 6, 2003, the International Amateur Radio Union stated that they support the elimination of the code requirement. Many governments have already removed the code requirement. So, it becomes very difficult to understand why this petition would help Amateur Radio.

Ultimately, the Commission will eliminate Element I. The real question is when and after how many more rounds of petitions.

Please deny this petition.

Regards,
Melvin Lehmann